

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
Probation Form 49, Waiver of Hearing is Attached**

FILED
STATESVILLE, N.C.
MAY 26 2005
U.S. DISTRICT COURT
W. DIST. OF NC

Name of Offender: Carlton James Rutherford Case Number: 1:00CR9-19

Name of Sentencing Judicial Officer: The Honorable Lacy H. Thornburg
U.S. District Judge

Date of Original Sentence: 11/2/00 Register Number: 15812-058 PACTS Number: 8697

Original Offense: 21 U.S.C. § 846, Conspiracy to Possess with Intent to Distribute Cocaine Base

Original Sentence: 70 months imprisonment, 3 years supervised release; Special Conditions: \$100
special assessment (paid) and reimburse U.S. for court-appointed counsel fees

Type of Supervision: Supervised Release Date Supervision Commenced: 11/9/04

PETITIONING THE COURT

[] To extend the term of supervision for years, for a total of years.
[X] To modify the conditions of supervision as follows:

Strike the financial obligation for the defendant to reimburse the U.S. for court-appointed
counsel fees.

CAUSE

The defendant was released from the Bureau of Prisons on 11/9/04 and began his supervised release term. As of this date, the voucher for court-appointed attorney fees has not been filed. Therefore, I recommend that the Court strike the financial obligation which states, "Defendant shall reimburse the U.S. for court-appointed counsel fees."

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

by



Janie M. Propst
U.S. Probation Officer
(828) 267-3511

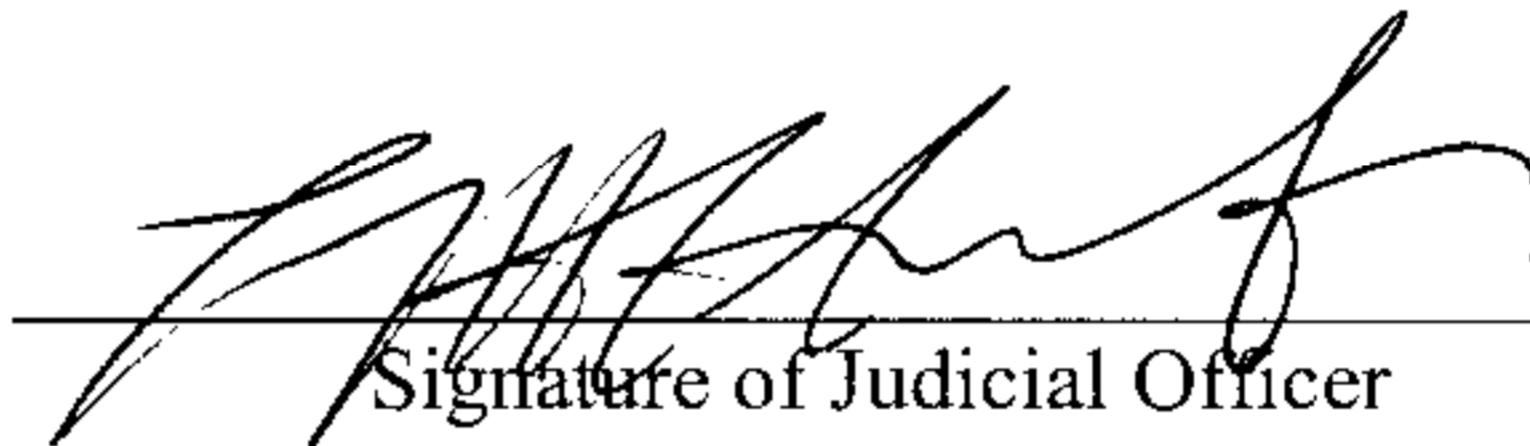
Date: 5/23/05

THE COURT ORDERS:

- No Action
- The Extension of Supervision as Noted Above
- The Modification of Conditions as Noted Above
- Other

5-24-05

Date



Signature of Judicial Officer